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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,613	01/11/2002	Antonio T. Latto	INTL-0624-US (P11955)	9479

7590 09/09/2005
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EXAMINER

NGUYEN, THUAN T

ART UNIT PAPER NUMBER

2685

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,613

Applicant(s)

LATTO ET AL.

Examiner

THUAN T. NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Appeal Brief

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. This decision was based on the outcome of the Appeal Conference on 8/25/05 of the Examiner with SPE Ed Urban and SPE William Trost.

Response to Arguments

2. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slipy et al. (U.S. Patent No. 5,848,152) in view of Siemens (DE 20104924 U1).

Regarding claims 1-4, 12, 15, 17-19 and 21, Slipy discloses an electronic device and its corresponding method such as a portable telephone with a base having a first surface, and with a removable faceplate 104 for covering substantially all of the first surface of the device (see Fig. 2, and col. 5/line 40 to col. 6/line 15). Slip suggests that the faceplate 104 can be customized in any shape, any contour, size and color including transparent or clear color (col. 4/lines 12-60).

Slipy does not disclose to include “replaceable ornamental insert positionable between the removable faceplate and the first surface of the base such that a portion of the ornamental insert is viewable through the substantially transparent section”; however, this technique is taught by Siemens (see Abstract, and Fig. 1, as with the English translation, a plastic cover 4 with exchangeable thin sheet 5 on which designs can be printed for personalizing decorations such as pictures of the user’s family, for the portable phone 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Slipy’s interchangeable faceplate for covering substantially all of an electronic device with Siemen’s technique of using exchangeable inserts for decoration between the base of the electronic device and a transparent plastic cover in order to obtain an easy technique in decorations for an electronic device, with the exchangeable inserts as ornamental inserts (as taught by Siemens), underneath a clear removable faceplate as taught by Slipy.

In addition to claim 17, Slipy teaches a faceplate coupled to the base and the faceplate covering all of the upper surface of the base (Fig. 2 for the faceplate 104 cover all of the upper surface of the base or housing 102) and the faceplate having a substantially transparent section (as Slipy suggests to customize in any shape, contour, size or color as discussed above).

As for claims 5-6 and 16, these claims are rejected for the same reasons given in the view for applying this technique for an electronic device, wherein the base is a base portion of a computer, as a generalized procedure for applying the decoration inserts underneath a clear removable faceplate to a portable laptop computer, same as discussed in claims 1-4, 12-15, 17-19 and 21 above.

Art Unit: 2685

As for claims 7-8 and 14, these claims are rejected for the same reasons given in the view for applying this technique for an electronic device, wherein the base is a base portion of a digital game player, as a generalized procedure for applying the decoration inserts underneath the transparent removable faceplate to a digital game player, same as discussed in claims 1-4, 12-15, 17-19 and 21 above.

As for claims 9-11, 13 and 20, these claims are rejected for the same reasons given in the view for applying this technique for an electronic device, wherein the electronic device now is a digital audio player, as a generalized procedure for applying the decoration inserts underneath the transparent removable faceplate to a digital audio player, same as discussed in claims 1-4, 12-15, 17-19, and 21 above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Mischenko, Lam et al, and Hindman (in PTO 892 attached) disclose apparatuses related to have faceplate covering its base or housing part to a telephone device, a computer PDA, and an audio device.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the New Central Fax number:

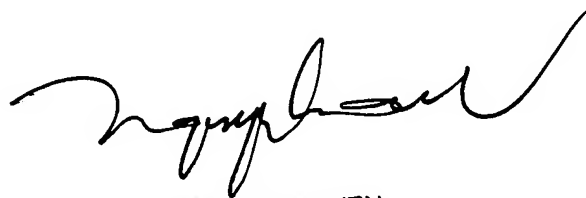
(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Art Unit: 2685

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TONY T. NGUYEN
PATENT EXAMINER

Tony T. Nguyen
Art Unit 2685
August 26, 2005